

ORIGINAL

FILED

January 13 2014

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

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COUNSEL FOR PLAINTIFF AND APPELLEE

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 13-0536

CITY OF MISSOULA,

Plaintiff and Appellee,

v.

MARTIN MULIPA IOSEFO,

Defendant and Appellant.

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STATE OF MONTANA

**MOTION FOR EXTENSION OF TIME AND
AFFIDAVIT IN SUPPORT**

The Appellee, State of Montana, respectfully requests a 30-day extension of time until February 19, 2014, in which to prepare, serve, and file its response brief in the

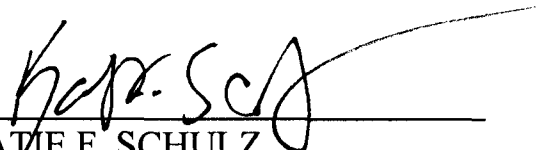
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above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 13th day of January, 2014.

TIMOTHY C. FOX
Montana Attorney General
P.O. Box 201401
215 North Sanders
Helena, MT 59620-1401

By: 
KATIE F. SCHULZ
Assistant Attorney General

STATE OF MONTANA)
 : ss.
County of Lewis and Clark)

I, Katie F. Schulz, being first duly sworn upon my oath, depose and state as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Montana Department of Justice, Office of Attorney General, Appellate Services Bureau, as an Assistant Attorney General.
2. In my capacity as Assistant Attorney General, I have been assigned to handle the above-entitled matter.
3. The State's opening brief was first due on December 21, 2013. The brief is presently due on January 20, 2014. This is Appellee's second request for an extension of time.

4. Due to a heavy workload, I cannot meet the present deadline for filing the State's response brief. My workload is as follows:

a. The undersigned has recently filed response briefs in the Montana Supreme Court in the following cases: *In re S.S.-G.*, Case No. DA 12-0651, filed December 2, 2013; *State v. Bullman*, Case No. DA 13-0340, filed on December 18, 2013; *In re J.S.* Case No. DA 13-0539, filed December 20, 2013; and *State v. Stang*, Case No. DA 13-0349, filed January 3, 2014.

b. The undersigned is also preparing responses for the following cases: *State v. Leskovec*, Case No. DA 13-0201, which is due on January 12, 2014; *State v. Chilinski*, DA 12-0151, which is due January 24, 2014; and *State v. Cudd*, Case No. DA 13-0141, which is due January 26, 2014.

c. *In re J.S.* was assigned after Respondent's first motion to extend, respectively, and given the nature of those cases (youth in need of care matters) extensions of time are generally not sought by the State.

5. An extension of time is necessary so the undersigned can complete an adequate answer and other responsive pleadings.

6. I will work diligently to complete the matter in the time requested.

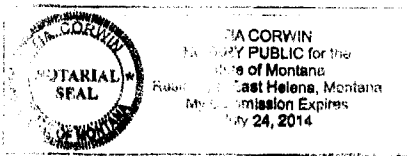
7. Opposing counsel has been contacted concerning this motion and does not object.


8. Further your affiant sayeth naught.

Respectfully submitted this 13th day of January, 2014.


KATIE F. SCHULZ

SUBSCRIBED AND SWORN to before me this 13th day of January, 2014.




Lia Corwin

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing Motion for Extension of Time to be mailed, first class postage prepaid, to:

Mr. James P. O'Brien
O'Brien Law Office, P.C.
P.O. Box 7936
Missoula, MT 59801-7936

Mr. Gary Henricks
Senior Deputy Missoula City Attorney
435 Ryman
Missoula, MT 59801

DATED: _____

1-13-14

